

TWENTY-SIXTH DAY

(Monday, February 27, 1961)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis

Absent—Excused

Fuller

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"It is easy, our Father, for us to feel Thy presence in the house of worship on the Lord's day. We pray that Thy presence may make sacred this Senate chamber. Come, sit beside these desks; walk these aisles; and vote Thy will through these, Thy servants. For Christ's sake. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 23, 1961, was dispensed with and the Journal was approved.

Leave of Absence

Senator Fuller was granted leave of absence for today on account of important business on motion of Senator Parkhouse.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
February 27, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 77, A bill to be entitled "An Act amending Article 49 of the Election Code of Texas, 1951, relating to certificates of exemption; and declaring an emergency."

H. B. No. 119, A bill to be entitled "An Act amending Chapter I of H. B. 11, Chapter 20, Acts, Fifty-sixth Legislature, 3rd Called Session, providing for the filing of quarterly reports; providing for the retailer to remit 100% of the tax collected; dispensing with the requirement of including specific inventory information in the reports; dispensing with the requirement of keeping records on sales to customers; providing for the records to be confidential; repealing Art. 20.12 and all laws in conflict; providing for an effective date; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Bills Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills:

S. B. No. 139, A bill to be entitled "An Act amending the Act approving and adopting the Sabine River Compact, Chapter 63, Page 89, Acts of the Fifty-third Legislature, 1953, Regular Session, so as to amend Article VII (C) of the Sabine River Compact to change the term of office for the Texas members; amending Section 2 of said Act by establishing fees of office and terms of office; authorizing notice of this Act; repealing all laws in conflict herewith; containing a severability clause; and declaring an emergency."

H. B. No. 179, Relating to fees charged by District Court Clerks for preparing certificates relating to witness fees in criminal cases; amending Article 1036, paragraph 4 of the Code of Criminal Procedure of Texas, 1925, as last amended; and declaring an emergency."

H. B. No. 400, An Act to amend Section 1 and Section 3 of House Bill No. 754, Acts of the Regular Session, Forty-ninth Legislature, providing a distinction between crippled children and needy children; providing that appliances, braces and material necessary for the proper handling of

crippled children shall not be considered personal property of the State; and declaring an emergency.

Senate Bills and Resolution on First Reading

The following bills and resolution were introduced, read first time and referred to the committees indicated:

By Senator Martin:

S. B. No. 268, A bill to be entitled "An Act creating Upper Leon River Municipal Water District, a conservation District under Article XVI, Section 59 of the Constitution comprising initially the territory contained within the cities of Comanche, DeLeon, Dublin, Gorman, Hamilton, Hico, and Stephenville, for the purpose of providing a source of water supply for municipal, domestic, and industrial uses and processing and transporting such water; authorizing provision of sewage treatment and disposal facilities as an aid to conservation of water; providing for the annexation of additional territory; providing for a Board of Directors for the government of the District; providing for elimination of 'Potential Cities' and defining status of 'Definitive Cities'; authorizing the District to do any and all things to make available for municipal and industrial uses the water from Proctor Dam and Reservoir which has been authorized for construction by the United States Government on Leon River or from any other dams which may be constructed in lieu thereof, pursuant to such rights as District may acquire in such reservoir from Brazos River Authority; permitting contracts with Brazos River Authority Board for acquisition of the rights to utilize water from the storage capacity of Proctor Dam and Reservoir which storage rights are being acquired by the Authority; permitting sale of surplus water for irrigation purposes; authorizing the issuance of bonds and providing for the payment and security thereof; prescribing an alternative method of financing the cost of providing the water supply, water supply lines, purification and pumping facilities or any of such items through contract with Brazos River Authority and the issuance of Authority's bonds for such purposes; prescribing conditions under which cities may withdraw from the District; making applicable to the Dis-

trict Title 52 of the Revised Statutes of Texas relating to eminent domain and certain general laws relating to water control and improvement districts; requiring all bonds which are wholly supported by taxation to be voted; adopting the powers of water control and improvement districts to the extent not in conflict with this Act; prescribing other powers of the District; enacting other provisions related to the subject and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Aikin:

S. B. No. 269, A bill to be entitled "An Act concerning the use of facsimile signatures and seals upon public securities and instruments of payment; repealing H. B. No. 725, Acts 1955, 54th Leg., Chapter 293; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Aikin:

S. B. No. 270, A bill to be entitled "An Act amending Acts 1955, 54th Legislature, page 1292, Chapter 512 (Article 548b, Vernon's Texas Civil Statutes), pertaining to the regulation and sale of pre-need funeral merchandise and service contracts; deleting certain exemptions from said Act; making certain provisions and changes as to the character and type of contracts covered by the Act and the regulation of the same; regulating the solicitation of the designation of funeral services and merchandise desired by an individual upon his death; providing that delivery of merchandise prior to death shall not constitute performance; providing that the permit required by said Act shall be issued by the Banking Commissioner; repealing all laws in conflict herewith; and providing and declaring an emergency."

To the Committee on State Affairs.

By Senator Parkhouse:

S. B. No. 271, A bill to be entitled "An Act to amend Chapter 491, Article 2.11, Acts of the 52nd Legislature, Regular Session, 1951, known as the Insurance Code of Texas, as amended, to extend the time within which insurance companies must hold an annual meeting for the election of directors; and declaring an emergency."

To the Committee on Insurance.

By Senator Reagan:

S. B. No. 272, A bill to be entitled "An Act amending Chapter 436, Acts of the 45th Legislature, Regular Session, 1937, which is codified as Article 5221c, Vernon's Texas Civil Statutes, by adding thereto a new Section so as to provide for certain stationary boilers an extended Certificate of Operation for a period not exceeding twelve (12) months; and declaring an emergency."

To the Committee on Labor and Management Relations.

By Senator Schwartz:

S. B. No. 273, A bill to be entitled "An Act concerning release of persons from State Hospitals and Special Schools by writs of habeas corpus; and declaring an emergency."

To the Committee on Jurisprudence.

By Senators Rogers, Smith and Hazlewood:

S. B. No. 274, A bill to be entitled "An Act to amend Section 1, Subsection 3c, B of H. B. No. 162, Acts 51st Legislature, 1949, Chapter 306 known also as Section B of Article 7880-3c, Vernon's Annotated Civil Statutes, dealing with Underground Water Conservation Districts, adding a new subsection which shall be Section B(11) of Article 7880-3c, Vernon's Annotated Civil Statutes, defining an 'open or abandoned well' authorizing the District to require the closing of an open or abandoned well and permitting the District to close the same if the owner and/or operator of the land upon which such open or abandoned well is located refuses to do so, and creating a lien on said land for the expenses incurred in closing such open or abandoned well, and providing that a refusal to close such a well constitutes a violation of Article 1721 of the Penal Code of the State of Texas, being Acts of the 51st Legislature, 1949, page 509, Chapter 281; and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Owen:

S. B. No. 275, A bill to be entitled "An Act authorizing the county board of school trustees of any county over 100,000 population according to the most recent Federal census to create a separate independent school district to contain the same territory then

contained in any city assumed or controlled school district in the county where such district extends beyond the city limits; providing that when an independent school district is so created the city assumed or controlled district shall cease to exist; making provision as to the assets and liabilities of such former city assumed or controlled school district; providing that the county board of school trustees of such county shall create such independent school district when requested by the board of trustees of the city assumed or controlled district; making general laws relating to independent school districts applicable to districts created under this Act; providing that when any district is created under this Act, the trustees of the city controlled or assumed district shall become the trustees of the newly created district for the remainder of their terms; providing that any district created under this Act and the city which formerly assumed or controlled it may enter into a contract for the city tax assessor and board of equalization to assess and equalize the valuations of all taxable property in the entire independent school district, and for the city tax collector to collect all of the taxes of the district; enacting other provisions related to the subject, and declaring an emergency."

To the Committee on Education.

By Senator Patman:

S. B. No. 276, A bill to be entitled "An Act amending sections 9, 10, 11 and 13 of Chapter 52, Acts of the 41st Legislature, 1st called Session, 1929, compiled as Sections 9, 10, 11 and 13 of Article 1525b, Vernon's Annotated Penal Code, so as to regulate the movement of livestock and domestic fowl into the State of Texas; and declaring an emergency."

To the Committee on Agriculture and Livestock.

By Senator Willis:

S. B. No. 277, A bill to be entitled "An Act amending Article 22 of the Election Code of the State of Texas (compiled as Article 3.08, Vernon's Texas Election Code), relating to the pay of judges and clerks for their services at general, special and primary elections; and declaring an emergency."

To the Committee on Privileges and Elections.

By Senator Gonzalez:

S. J. R. No. 16, Proposing amendments to Section 1-b, Article III, and Section 51, Article XVI, of the Constitution of the State of Texas so as to confer homestead rights upon unmarried persons and make them eligible for the Three Thousand Dollar (\$3,000) exemption from the assessed taxable values of residence homesteads.

To the Committee on Constitutional Amendments.

Senate Resolution 139

Senator Ratliff offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate thirteen students of the Junior and Senior Civics Classes of Divide High School of Nolan, Nolan County, Texas, accompanied by their school superintendent, Mr. F. B. Porter; their coach, Mr. Leslie Johnson, Mrs. Curtis Lister, Mrs. Bernard Jones and Mrs. Elbert Hyde; and

Whereas, These students of today are the citizens, leaders, and statesmen of tomorrow, who, with the acceptance of democracy's heritage, must carry on the responsibilities of self-government; and

Whereas, It is highly commendable that these young people are demonstrating, by their visit to the Senate, an interest in the processes of their state government; now, therefore, be it

Resolved, That we extend to these students a cordial welcome; and that a copy of this resolution, bearing the official seal of the Senate, be sent to them in appreciation of their visit.

The resolution was read and was adopted.

Senator Ratliff by unanimous consent presented the students, sponsors and teachers to the Members of the Senate.

Senate Resolution 140

Senator Parkhouse offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the young ladies from the Hockaday School in Dallas, (Misses) Carol Young, Jennifer Brown, Leslie Radar,

Joan Sandfield, Mimi Purnell, and Michelle Wilson, accompanied by their teacher, Miss Marcia Pears; and

Whereas, These students of today are the citizens, leaders, and statesmen of tomorrow, who, with the acceptance of democracy's heritage, must carry on the responsibilities of self-government; and

Whereas, It is highly commendable that these young people are demonstrating, by their visit in the Senate, an interest in the processes of their state government; now, therefore, be it

Resolved, That we extend to these students a cordial welcome; and that a copy of this resolution, bearing the official seal of the Senate, be sent to them in appreciation of their visit.

The resolution was read and was adopted.

Senator Parkhouse by unanimous consent presented the students and their teacher to the Members of the Senate.

Senate Resolution 141

Senator Creighton offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate C. K. Davis, Mayor of the City of Mineral Wells, and Loyd Bouldin, its City Attorney; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas, and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Creighton by unanimous consent presented the guests to the Members of the Senate.

Senate Concurrent Resolution 19

Senator Gonzalez offered the following resolution:

S. C. R. No. 19, Directing State Board of Insurance relative to assignment companies, policies on aged policyholders.

Whereas, At July 7, 1960, the At-

torney General of Texas by Opinion Number WW-877 stated that State-wide mutual assessment companies and local mutual aid associations may cause an increase of assessment rates without the approval of the State Board of Insurance; and

Whereas, Subsequent to that opinion a number of assessment companies have singled out aged members who have paid premiums to their assessment company for many years and increased these old citizens' premiums as much as three and four hundred per cent, to the extent, and for the very purpose, of causing the policy to lapse and thereby removing the company from any risk of paying death benefits; and

Whereas, Such policyholders faithfully paid their premiums through the years with the desire to provide themselves with a burial without financially burdening their loved ones; and

Whereas, The ulterior purpose of the companies so singling out these aged members is to profit the company to the deprivation of accrued rights of such policyholders; and

Whereas, This new construction of the law by the Attorney General has permitted management of certain assessment companies to work this grievous and intolerable wrong on aged citizens of this State; now, therefore, be it

Resolved, by the Senate, the House of Representatives concurring, That the State Board of Insurance be directed to immediately promulgate such rules and regulations to suspend, or alleviate the practice of assessment companies singling out aged policyholders of long standing and making burdensome assessment increases so as to cause the policy to lapse, and further that the Members of the 57th Legislature give immediate due consideration to Senate Bill Number 102 and House Bill Number 114, which proposed legislation seeks to forever end such nefarious practices as described in this resolution.

The resolution was read and was referred to the Committee on Insurance.

Presentation of Guests

Senator Kazen by unanimous consent presented Mr. Elmer Zahn, County Commissioner of Brooks County, to the Members of the Senate.

House Concurrent Resolution 31 on Second Reading

On motion of Senator Lane and by unanimous consent the President laid before the Senate the following resolution:

H. C. R. No. 31, Providing for a Joint Session of the two Houses to accept seals from representatives of the Texas Heritage Foundation and the Adjutant General's Department . . . at 11:30 a.m. on March 1, 1961.

The resolution was read and was adopted.

Report of Standing Committee

Senator Aikin submitted the following report:

Austin, Texas,
February 27, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 161, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senate Bill 161 Ordered Not Printed

On motion of Senator Smith and by unanimous consent S. B. No. 161 was ordered not printed.

Message from the Governor

The following message received from the Governor today was read and was referred to the Committee on Nominations:

Austin, Texas,
February 27, 1961.

To the Senate of the Fifty-seventh Legislature:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointments:

To be members of the Board of Directors of the Runnels County Water Improvement District, for six-year terms to expire January 1, 1967: John Bradley of Ballinger, Runnels County; A. L. Mitchell of Wingate, Runnels County; Eugene Kasberg of Miles, Runnels County.

Respectfully submitted,
PRICE DANIEL
Governor of Texas.

Senate Bill 26 on Second Reading

Senator Roberts moved that Senate Rules 116 and 13, and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 26 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—25

Aikin	Owen
Baker	Parkhouse
Calhoun	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Roberts
Dies	Rogers
Hazlewood	Schwartz
Hudson	Secrest
Lane	Smith
Martin	Weinert
Moffett	Willis
Moore	

Nays—5

Gonzalez	Kazen
Hardeman	Krueger
Herring	

Absent—Excused

Fuller

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 26, A bill to be entitled "An Act authorizing and empowering the Board of Regents of the State Teachers Colleges of Texas to levy a regular fixed student fee for the purpose of operating, maintaining and improving the East Texas State College Union Center Building at the East Texas State College; fixing the amount of said fee; authorizing the Business Manager of East Texas State College to collect the same, and providing the purpose for which said fee shall be used; placing the control of the fees in the hands of the Board of Directors of the East Texas State College Union Center; providing for a budget for the operation of said Union Center; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 26 on Third Reading

Senator Roberts moved that Sen-

ate Rules 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 26 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Owen
Calhoun	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Hudson	Secrest
Lane	Smith
Martin	Weinert
Moffett	Willis
Moore	

Nays—5

Baker	Kazen
Gonzalez	Krueger
Herring	

Absent—Excused

Fuller

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—18

Aikin	Parkhouse
Calhoun	Patman
Colson	Reagan
Creighton	Roberts
Hazlewood	Rogers
Hudson	Schwartz
Lane	Secrest
Martin	Smith
Moffett	Weinert

Nays—12

Baker	Kazen
Crump	Krueger
Dies	Moore
Gonzalez	Owen
Hardeman	Ratliff
Herring	Willis

Absent—Excused

Fuller

Senate Bill 72 on Second Reading

Senator Parkhouse moved that Senate Rules 116 and 13, and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 72 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis

Absent—Excused

Fuller

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 72, A bill to be entitled "An Act requiring persons to obtain permits to drill injection wells, or to convert existing wells into injection wells, for the disposal of industrial and municipal waste; defining certain terms; designating the Board of Water Engineers as the permit issuing agency for all injection wells to dispose of waste other than waste arising out of the drilling for or the producing of oil or gas, designating the Railroad Commission as the permit issuing agency for all wells for the injection of waste arising out of the drilling for or the producing of oil or gas; etc.; and declaring an emergency."

The bill was read the second time.

Senator Dies offered the following amendment to the bill:

Amend S. B. No. 72, by adding to Section 4 thereof the following:

"The obtaining of a permit under the provisions of this Act by any person, firm or corporation shall not

act to relieve such person, firm or corporation from liability under any statutory law or the Common Law."

The amendment was adopted.

On motion of Senator Parkhouse and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill, as amended, was passed to engrossment.

Senate Bill 72 on Third Reading

Senator Parkhouse moved that Senate Rules 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 72 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis

Absent—Excused

Fuller

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Bills on First Reading

The following bills received from the House, were read the first time and referred to the committees indicated:

H. B. No. 96, To the Committee on Agriculture and Livestock.

H. B. No. 119, To the Committee on State Affairs.

H. B. No. 122, To the Committee on State Affairs.

H. B. No. 17, To the Committee on Jurisprudence.

H. B. No. 77, To the Committee on Privileges and Elections.

Senate Resolution 142

Senator Secrest offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate, Mrs. John Watson of Beaumont, Texas; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; Now, therefore, be it

Resolved, That her presence be recognized by the Senate of Texas and that she be extended the official welcome of the Senate.

The resolution was read and was adopted.

Adjournment

On motion of Senator Hardeman the Senate at 11:56 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

In Memory of
Milton M. Brownlee

Senator Colson offered the following resolution:

(Senate Resolution 138)

Whereas, On January 6, 1961, Madison County and the State of Texas lost one of its most highly esteemed and beloved citizens when the Supreme Maker of Heaven and Earth called Milton M. Brownlee home for eternal rest; and

Whereas, Mr. Brownlee was born in Madisonville on March 9, 1904, and was the son of J. M. and Pearl Wycough Brownlee. On June 26, 1927, he was married to the charming and gracious Miss Katie Cone; and

Whereas, During his high school and college years he worked for the Waco News-Tribune, The Houston Post and the Associated Press; and

Whereas, Mr. Brownlee was a graduate of San Marcos Baptist Academy; received his Bachelor of Arts and Law Degrees magna cum laude from Baylor University; was a charter member of Pi Gamma Mu, national social science honor society at Baylor; won the Marsden scholarship to Brown University, Providence, Rhode Island; and while a student at Baylor University, he was elected Madison County Attorney; and

Whereas, Mr. Brownlee carved for himself an enviable place as a leader in furthering the civic, educational, industrial and spiritual growth of his community by serving as a Sunday School Teacher of the Baptist Church for thirty years and for many years acted without pay as City Attorney of Madisonville. He was a member of the Board of Directors of the Madison County Hospital; a past president of the Madison County Chamber of Commerce, the Madison School Board and the Madisonville Lions Club; a member of the District and State Bar of Texas; a director of the Knife and Fork Club; a member of the Benevolent and Protective Order of the Elks at Huntsville; and a Shriner; and

Whereas, Modest in his personal affairs but a vigorous advocate of the highest principles of square-dealing and fair consideration for others, his clean habits and loyalty and devotion to his family and friends leave a rare heritage of love and service to those who remain to mourn his passing; now, therefore, be it

Resolved, by the Senate of the 57th Legislature of the State of Texas, That we extend to the bereaved family our sincere and heartfelt sympathy; that we express appreciation for his invaluable services by directing that a page in the Journal be set aside as a memorial to him; and, be it further

Resolved, That official copies of this resolution be sent to his wife, Mrs. Milton Brownlee; his mother, Mrs. J. M. Brownlee; his daughter, Mrs. W. B. Briscoe; his grandson, William Brownlee Briscoe; his two brothers, Mr. C. R. Brownlee and Mr. George W. Brownlee; and his two sisters, Mrs. G. D. Neal and Mrs. Louise Lacey; and that when the Senate adjourns today, it do so in solemn tribute to Mr. Milton M. Brownlee, whose dedicated life and charitable deeds will live long in the memory of this state and in the memory of his multitude of friends.

The resolution was read and was adopted by a rising vote of the Senate.